

State of Hawai'i  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Division of Forestry and Wildlife  
Honolulu, Hawai'i 96813

June 23, 2006

Chairperson and Members  
Board of Land and Natural Resources  
State of Hawai'i  
Honolulu, Hawai'i

Land Board Members:

SUBJECT: REQUEST APPROVAL OF INTERIM ACTIONS TO IMPLEMENT THE LEGACY LAND CONSERVATION PROGRAM, INCLUDING CRITERIA FOR EVALUATING APPLICATIONS AND OTHER ASSOCIATED MATERIALS; REQUEST AUTHORIZATION TO ADVERTISE FOR LAND CONSERVATION FUNDING PROPOSALS USING THE PROPOSED INTERIM PROCEDURES; (2006)

BACKGROUND:

On June 26, 2005, Governor Linda Lingle signed Act 156, SLH 2005 (see Attachment 1) which went into effect on July 1, 2005. Act 156 established the Land Conservation Fund (LCF) to be managed by the Department of Land and Natural Resources (DLNR).

In part, this Act allows monetary grants to be awarded to State agencies, the counties, and nonprofit land conservation organizations for the acquisition of interests or rights in lands having value as a resource to the State. The intended purpose of these acquisitions is for the preservation of:

1. Watershed protection;
2. Coastal areas, beaches, and ocean access;
3. Habitat protection;
4. Cultural and historical sites;
5. Recreational and public hunting areas;
6. Parks;
7. Natural areas;
8. Agricultural production; and
9. Open spaces and scenic resources.

ITEM C-2

In 2006, the legislature approved additional changes to the administration of the land conservation fund, through Senate Bill 3077 Conference Draft 1, pending Governor's approval (see Attachment 2). To implement the Program in a timely manner, the Department is proceeding with an interim program, incorporating the applicable conditions contained in SB3077, CD1. These include the creation of a Legacy Land Conservation Commission (LLCC) to assist and advise the DLNR and the BLNR respectively; the establishment of priorities for land and conservation easement acquisitions with moneys from the LCF; and the requirement for DLNR and BLNR to consult with the Senate President and Speaker of the House of Representatives, regarding the acquisition of land having value as a resource to the State. After approval of SB3077, CD1 by the Governor, the Department will take appropriate steps to finalize the administration of this program.

Accomplishments to date include:

- \* Staff from the Division of Forestry and Wildlife and from Land Division has worked jointly to develop the Legacy Land Conservation Program.
- \* Worked with NRCS Farm and Ranch Land Protection Program (FRLPP) toward purchase of a conservation easement on Molokai, pursuant to Act 156. At the April 13, 2006 meeting, the Board authorized the Chairperson to provide up to \$1,100,000 from the LCF to Maui Coastal Land Trust (MCLT), for the acquisition of a perpetual agricultural conservation easement on Kainalu Ranch, subject to conditions of the submittal. Staff continues to work with NRCS and MCLT toward acquisition of this easement.
- \* Prepared a Legislative Report (See Attachment 3)
- \* Prepared a Budget Request for FY 2007. The approved administrative budget granted DLNR's request for a Land Conservation Fund spending cap of \$5.1 million, of which up to \$1,100,000 is to purchase perpetual agricultural conservation easements as selected by the NRCS/FRPP; up to 5% of revenues of LCF from the previous year (approximately \$250,000) can be used by DLNR to administer the program; and the remaining balance (approximately \$3.75 million) is to be disbursed as monetary grants to be awarded to State agencies, the Counties, and nonprofit land conservation organizations, for the acquisition of interests or rights in lands having value as a resource to the State.
- \* Held meeting and discussions with representatives of the respective affected sectors, to solicit their input on implementation of the Program.
- \* Contracted a planning firm with experience at developing and implementing land acquisition programs at the county level, to develop materials to implement the

Program. After several meetings with Staff and identified stakeholders, the firm, 8<sup>th</sup> Generation, submitted materials including the following:

Application form (See attachment 4)  
Application instructions (See attachment 5)  
Criteria for evaluating applications (See Attachment 6)  
Tentative timeline (See Attachment 7)  
Program brochure (See Attachment 8)  
Program logo (See Attachment 9)

DISCUSSION:

Staff feels that 8<sup>th</sup> Generation has developed excellent materials and a workable process for the implementation of the Legacy Land Conservation Program on an interim basis. Staff hopes to precede with the first public request for applications, once the interim process and materials are approved by the Board, then reviewed and approved by the Attorney General's Office. Before or shortly after the closing date for applications, it is hoped SB 3700, CD1 will be approved by the Governor, and the Governor will recruit, select and appoint interim members to the Legacy Land Conservation Commission, to perform their duties of advising and recommending projects to the BLNR.

RECOMMENDATION:


That the Board:

1. Approve the interim actions to implement the Legacy Land Conservation Program, including criteria for evaluating applications and other associated materials.
2. Authorize the Chairperson to advertise for Land Conservation Fund proposals, using the proposed interim procedures.

Respectfully submitted,

  
\_\_\_\_\_  
FOR PAUL J. CONRY,  
Administrator

APPROVED FOR SUBMITTAL:

  
\_\_\_\_\_  
PETER T. YOUNG, Chairperson  
Board of Land and Natural Resources

## A BILL FOR AN ACT

RELATING TO LAND CONSERVATION.

### BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1       SECTION 1. The legislature recognizes the value of  
2       Hawaii's natural resources to its economy, culture, and quality  
3       of life, but an alarmingly small amount of money is invested  
4       each year to protect our natural capital base. The legislature  
5       further finds that the preservation, protection, and enhancement  
6       of the State's land, coastal areas, and natural resources are of  
7       central importance for current and future residents and for the  
8       state economy. Article XI, section 1, of the Constitution of  
9       the State of Hawaii sets forth the State's duty to conserve and  
10      protect Hawaii's natural beauty. Further, adequate funding to  
11      conserve land for watershed protection, coastal preservation,  
12      flood prevention, parks, habitat protection, cultural  
13      preservation, agricultural production, and open space and scenic  
14      resources is necessary to ensure protection of these lands and  
15      resources for future generations.

16      The legislature has already determined that the conveyance  
17      tax is an appropriate means to fund the conservation of natural

A T T A C H M E N T   1

1 resources by dedicating a portion of the current assessment to  
2 the natural area partnership program and forest stewardship  
3 program that assist private landowners in managing important  
4 natural resources.

5 The legislature has also determined that there is a clear  
6 nexus between the source of the conveyance tax and providing  
7 funding for watershed protection and other natural resource  
8 preservation programs. The development, sale, and improvement  
9 of real estate in Hawaii adds additional pressure on natural  
10 areas, coastal access, agricultural production, and Hawaii's  
11 water resources and watershed recharge areas.

12 The purpose of this Act is to establish permanent adequate  
13 funding for land conservation by increasing the conveyance tax  
14 on a sliding scale and dedicating ten per cent of the annual  
15 proceeds from the conveyance tax to the existing land  
16 acquisition fund established by Act 77, Session Laws of Hawaii  
17 1973, codified as the land conservation fund in section 173A-5,  
18 Hawaii Revised Statutes.

19 SECTION 2. Section 36-27, Hawaii Revised Statutes, is  
20 amended to read as follows:

21 "§36-27 Transfers from special funds for central service  
22 expenses. Except as provided in this section, and

1 notwithstanding any other law to the contrary, from time to  
2 time, the director of finance, for the purpose of defraying the  
3 prorated estimate of central service expenses of government in  
4 relation to all special funds, except the:

- 5 (1) Special out-of-school time instructional program fund  
6 under section 302A-1310;
- 7 (2) School cafeteria special funds of the department of  
8 education;
- 9 (3) Special funds of the University of Hawaii;
- 10 (4) State educational facilities improvement special fund;
- 11 (5) Convention center enterprise special fund under  
12 section 201B-8;
- 13 (6) Special funds established by section 206E-6;
- 14 (7) Housing loan program revenue bond special fund;
- 15 (8) Housing project bond special fund;
- 16 (9) Aloha Tower fund created by section 206J-17;
- 17 (10) Funds of the employees' retirement system created by  
18 section 88-109;
- 19 (11) Unemployment compensation fund established under  
20 section 383-121;
- 21 (12) Hawaii hurricane relief fund established under chapter  
22 431P;

- 1 (13) Hawaii health systems corporation special funds;  
2 (14) Tourism special fund established under section  
3 201B-11;  
4 (15) Universal service fund established under chapter 269;  
5 (16) Integrated tax information management systems special  
6 fund under section 231-3.2;  
7 (17) Emergency and budget reserve fund under section  
8 328L-3;  
9 (18) Public schools special fees and charges fund under  
10 section 302A-1130(f);  
11 (19) Sport fish special fund under section 187A-9.5;  
12 (20) Neurotrauma special fund under section 321H-4;  
13 (21) Deposit beverage container deposit special fund under  
14 section 342G-104;  
15 (22) Glass advance disposal fee special fund established by  
16 section 342G-82;  
17 (23) Center for nursing special fund under section 304D-5;  
18 (24) Passenger facility charge special fund established by  
19 section 261-5.5; ~~and~~  
20 ~~+~~ (25) ~~+~~ Solicitation of funds for charitable purposes special  
21 fund established by section 467B-15~~[-]~~; and  
22 (26) Land conservation fund established by section 173A-5,

1 shall deduct five per cent of all receipts of all other special  
2 funds, which deduction shall be transferred to the general fund  
3 of the State and become general realizations of the State. All  
4 officers of the State and other persons having power to allocate  
5 or disburse any special funds shall cooperate with the director  
6 in effecting these transfers. To determine the proper revenue  
7 base upon which the central service assessment is to be  
8 calculated, the director shall adopt rules pursuant to chapter  
9 91 for the purpose of suspending or limiting the application of  
10 the central service assessment of any fund. No later than  
11 twenty days prior to the convening of each regular session of  
12 the legislature, the director shall report all central service  
13 assessments made during the preceding fiscal year."

14 SECTION 3. Section 173A-2, Hawaii Revised Statutes, is  
15 amended by amending the definition of "land having value as a  
16 resource to the State", to read as follows:

17 "Land having value as a resource to the State" includes  
18 land having natural, environmental, recreational, scenic,  
19 cultural, agricultural production, or historic value, and may  
20 also include park and trail systems ~~[which]~~ that provide access  
21 to any such land."



SECTION 4. Section 173A-5, Hawaii Revised Statutes, is amended to read as follows:

"[f] §173A-5 [~~}] Fund for the environment.~~] Land conservation fund. (a) [~~A fund for the environment,~~] A land conservation fund, hereinafter called "fund," is hereby established.

(b) The proceeds from the sale of any general obligation bonds, authorized and issued for purposes of this chapter, shall be deposited in or credited to the fund.

(c) Any net proceeds or revenue from the operation, management, sale, lease, or other disposition of land or the improvements on such land, acquired or constructed by the board under the provisions of this chapter, shall also be deposited in or credited to the fund.

(d) Ten per cent of all taxes imposed and collected by section 247-1 shall be deposited in or credited to the fund every year.

(e) The fund shall be administered and managed by the department.

(f) The acquisition of interests or rights in land having value as a resource to the State for the preservation of:

(1) Watershed protection;

1        (2) Coastal areas, beaches, and ocean access;

2        (3) Habitat protection;

3        (4) Cultural and historical sites;

4        (5) Recreational and public hunting areas;

5        (6) Parks;

6        (7) Natural areas;

7        (8) Agricultural production; or

8        (9) Open spaces and scenic resources,

9        constitutes a public purpose for which public funds may be  
10       expended or advanced.

11       (g) The fund shall be used for:

12       (1) The acquisition of interests or rights in land having  
13       value as a resource to the State, whether in fee title  
14       or through the establishment of permanent conservation  
15       easements under chapter 198; and

16       (2) Annual administration costs for the fund, not to  
17       exceed five per cent of annual fund revenues of the  
18       previous year.

19       (h) Based on applications from state agencies, counties,  
20       and nonprofit land conservation organizations, the department  
21       shall recommend to the board specific parcels of land to be  
22       acquired, restricted with conservation easements, or preserved

1 in similar fashion. The board shall review the selections and  
2 approve or reject the selections according to the availability  
3 of moneys in the fund. To be eligible for grants from the fund,  
4 state and county agencies and nonprofit land conservation  
5 organizations shall submit applications to the department that  
6 contain:

7 (1) Contact information for the project;

8 (2) A description of the project;

9 (3) The request for funding;

10 (4) Cost estimates for acquisition of the interest in the  
11 land;

12 (5) Location and characteristics of the land; and

13 (6) Other similar, related, or relevant information as may  
14 be determined by the department.

15 (i) For applications approved by the board, the board may  
16 acquire land having value as a resource to the State, pursuant  
17 to section 173A-4, or the board may award grants from the fund  
18 to the qualifying state or county agencies or nonprofit land  
19 conservation organizations for the preservation of the real  
20 property. Where the recipient of a grant is a county agency or  
21 nonprofit land conservation organization, the board shall  
22 require additional matching funds of at least twenty-five per

1 cent of the total project costs. Matching funds may be in the

2 form of:

3 (1) Direct moneys;

4 (2) A combination of public and private funds;

5 (3) Land value donation;

6 (4) In-kind contributions; or

7 (5) Any combination of the above,

8 and evidence of these matching funds shall be made available  
9 from the qualifying entities prior to distribution of the fund

10 grant.

11 (j) The board shall:

12 (1) Track amounts disbursed from the fund;

13 (2) Prepare an annual report to be transmitted to the  
14 governor and the legislature at least twenty days  
15 prior to the convening of each regular session of the  
16 legislature. The annual report shall include:

17 (A) A summary of all interests or rights in land  
18 acquired during the preceding fiscal year;

19 (B) A summary of what value each newly acquired land  
20 has as a resource to the State;

1           (C) Proposals for future land acquisitions, including  
2           a summary of the resource value that the land may  
3           possess;

4           (D) A financial report for the preceding fiscal year;  
5           and

6           (E) Objectives and budget projections for the  
7           following fiscal year;

8           and

9           (3) Make copies of the annual report available to the  
10          public."

11          SECTION 5. Section 173A-9, Hawaii Revised Statutes, is  
12          amended to read as follows:

13          "[f] §173A-9 [f] Grants to state agencies, counties[-], and  
14          nonprofit land conservation organizations. Subject to the  
15          approval of the governor, the board may make grants to state  
16          agencies, counties, and nonprofit land conservation  
17          organizations from available funds for the purchase or  
18          acquisition [~~by eminent domain~~] of interests or rights in land  
19          having value as a resource to the State, whether in fee title or  
20          through the purchase of permanent conservation easements under  
21          chapter 198, and approved for purchase or acquisition by the  
22          board. Any land so acquired by any state agency or county may[-]

1 ~~subject to chapter 171,~~ be sold, leased, or otherwise disposed  
2 of, subject to chapter 171, with the prior written approval of  
3 the board. Any land acquired by any nonprofit land conservation  
4 organization under this chapter may be sold, leased, or  
5 otherwise disposed of with the prior written approval of the  
6 board. Any permanent conservation easement established under  
7 this section that includes partnership with a federal land  
8 conservation program may be transferred only as provided by  
9 rules of the federal program."

10 SECTION 6. Section 173A-10, Hawaii Revised Statutes, is  
11 amended to read as follows:

12 "[+] \$173A-10 [+] Proceeds of sale, lease, or other  
13 disposition. Whenever any such land is sold by any state  
14 agency, county, or nonprofit land conservation organization,  
15 that portion of the net proceeds (sale price less actual  
16 expenses of sale) of such sale equal to the proportion ~~[which]~~  
17 that the grant by the State bears to the original cost of the  
18 land or other property shall be paid to the State. In the event  
19 any such land or other property is leased, rented, or otherwise  
20 disposed of, that portion of the rental or proceeds equal to the  
21 proportion that the grant by the State bears to the original  
22 cost of the land or other property shall be paid to the State.

1 Any proceeds received by the State pursuant to this section that  
2 were originally paid out of the fund pursuant to section 173A-9  
3 shall be redeposited in or credited to the fund. This section  
4 shall not apply to rents of property protected by permanent  
5 conservation easements established by grants from the fund."

6 SECTION 7. Section 247-2, Hawaii Revised Statutes, is  
7 amended to read as follows:

8 "§247-2 Basis and rate of tax. The tax imposed by section  
9 247-1 shall be based on the actual and full consideration  
10 (whether cash or otherwise, including any promise, act,  
11 forbearance, property interest, value, gain, advantage, benefit,  
12 or profit), paid or to be paid~~[, which]~~ for all transfers or  
13 conveyance of realty or any interest therein, that shall include  
14 any liens or encumbrances thereon at the time of sale, lease,  
15 sublease, assignment, transfer, or conveyance, and shall be at  
16 the ~~[rate of 10 cents per \$100]~~ following rates:

17 (1) Except as provided in paragraph (2):

18 (A) Ten cents per \$100 for properties with a value of  
19 less than \$600,000;

20 (B) Twenty cents per \$100 for properties with a value  
21 of at least \$600,000, but less than \$1,000,000;

22 and

1           (C) Thirty cents per \$100 for properties with a value  
2           of \$1,000,000 or greater;

3           and

4           (2) For the sale of a condominium or single family  
5           residence for which the purchaser is ineligible for a  
6           county homeowner's exemption on property tax:

7           (A) Fifteen cents per \$100 for properties with a  
8           value of less than \$600,000;

9           (B) Twenty-five cents per \$100 for properties with a  
10           value of at least \$600,000, but less than  
11           \$1,000,000; and

12           (C) Thirty-five cents per \$100 for properties with a  
13           value of \$1,000,000 or greater,

14 of such actual and full consideration; provided that in the case  
15 of a lease or sublease, this chapter shall apply only to a lease  
16 or sublease whose full unexpired term is for a period of five  
17 years or more, and in those cases, including (where appropriate)  
18 those cases where the lease has been extended or amended, the  
19 tax in this chapter shall be based on the cash value of the  
20 lease rentals discounted to present day value and capitalized at  
21 the rate of six per cent, plus the actual and full consideration  
22 paid or to be paid for any and all improvements, if any, [which]



1 that shall include on-site as well as [~~offsite~~] off-site  
2 improvements, applicable to the leased premises; and provided  
3 further that the tax imposed for each transaction shall be not  
4 less than \$1."

5 SECTION 8. Section 247-7, Hawaii Revised Statutes, is  
6 amended to read as follows:

7 "§247-7 Disposition of taxes. All taxes collected under  
8 this chapter shall be paid into the state treasury to the credit  
9 of the general fund of the State, to be used and expended for  
10 the purposes for which the general fund was created and exists  
11 by law; provided that of the taxes collected each fiscal year[  
12 ~~twenty-five~~]:

13 (1) Ten per cent shall be paid into the land conservation  
14 fund established pursuant to section 173A-5;

15 (2) Thirty per cent shall be paid into the rental housing  
16 trust fund established by section 201G-432; and  
17 [~~twenty-five~~]

18 (3) Twenty-five per cent shall be paid into the natural  
19 area reserve fund established by section 195-9;  
20 provided that the funds paid into the natural area  
21 reserve fund shall be annually disbursed by the  
22 department of land and natural resources [~~after joint~~]

~~consultation with the forest stewardship committee and~~  
~~the natural area reserves system commission]~~ in the  
following priority:

[~~(1)~~] (A) To natural area partnership and forest  
stewardship programs[~~+~~] after joint consultation  
with the forest stewardship committee and the  
natural area reserves system commission;

[~~(2)~~] (B) Projects undertaken in accordance with watershed  
management plans pursuant to section 171-58 or  
watershed management plans negotiated with  
private landowners[~~+~~], and management of the  
natural area reserves system pursuant to section  
195-3; and

[~~(3)~~] (C) The youth conservation corps established under  
chapter 193."

SECTION 9. There is appropriated out of the land  
conservation fund of the State of Hawaii established pursuant to  
section 173A-5, the sum of \$1,100,000 or so much thereof as may  
be necessary for fiscal year 2005-2006 for the purchase of  
agriculture easements to protect "farm and ranch lands" throughout  
the state. This appropriation will use and preserve federal

1 farm and ranch land protection program funding for agricultural  
2 and cultural lands in Hawaii.

3 The sum appropriated shall be expended by the department of  
4 land and natural resources for the purposes of this Act.

5 SECTION 10. The director of finance shall transfer to the  
6 credit of the land conservation fund on the effective date of  
7 this Act, all unexpended or unencumbered balances remaining in  
8 the fund for the environment scheduled for repeal on the  
9 effective date of this Act.

10 SECTION 11. Statutory material to be repealed is bracketed  
11 and stricken. New statutory material is underscored.

12 SECTION 12. This Act shall take effect on July 1, 2005.

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FOR THE GOVERNOR  
STATE OF HAWAII

APPROVED BY THE  
GOVERNOR ON

JUN 23 2005

**Report Title:**

Department of Land and Natural Resources; Land Conservation Fund

**Description:**

Creates a legacy land conservation commission to assist DLNR and BLNR. Establishes priorities for land and easement acquisitions with moneys from the fund. Requires DLNR and BLNR to consult with the Senate President and Speaker of the House of Representatives regarding the acquisition of land having value as a resource to the State. (CD1)

THE SENATE

TWENTY-THIRD LEGISLATURE, 2006

STATE OF HAWAII

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**S.B. NO.** 3077  
S.D. 2

H.D. 2

C.D. 1

# A BILL FOR AN ACT

RELATING TO CONSERVATION.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF  
HAWAII:**

SECTION 1. Chapter 173A, Hawaii Revised Statutes, is amended by adding three new sections to be appropriately designated and to read as follows:

"§173A-A Legacy land conservation commission. (a) There is established within the department of land and natural resources a legacy land conservation commission. The commission shall consist of nine members, with at least one member from each of the counties, who shall be appointed in the manner and serve for the term set forth in section 26-34 as follows:

(1) Four of the members of the commission shall be persons possessing scientific qualifications as evidenced by an academic degree in wildlife or marine biology, botany, forestry, ecology, resource management, biogeography, zoology, or geology;

(2) One member shall be a person possessing membership in an environmental organization organized in the State;

(3) One member shall be a person possessing membership in a land conservation organization organized in the State;

(4) One member shall be a person possessing membership in a statewide agricultural association; and

(5) One member shall be a person knowledgeable about native Hawaiian culture.

The chairperson of the natural area reserves system commission shall serve as an ex officio voting member and the chairperson of the commission. The members shall receive no compensation for their services on the commission but shall be entitled to reimbursement for necessary expenses, including travel expenses, incurred in the discharge of their duties.

(b) Any action taken by the commission shall be by a simple majority of its members. Five members of the commission shall constitute a quorum.

(c) Except as otherwise provided in this chapter, the commission shall be subject to sections 26-34, 26-35, 26-35.5, and 26-36.

(d) The commission may adopt rules pursuant to chapter 91 to carry out its duties.

**§173A-B Responsibilities of the legacy land conservation commission.** The responsibilities of the commission shall include, but not be limited to:

(1) Advising the department and the board on any proposal, public or private, for the acquisition of any interest or rights in

land having value as a resource to the State;

(2) Advising the department and the board on any requests for grants from the fund to a qualifying state or county agency or nonprofit land conservation organization for the preservation of lands having value as a resource to the State;

(3) Recommending to the board the acquisition of interests or rights in certain lands having value as a resource to the State; and

(4) Reviewing and adopting rules relating to the criteria it applies in advising the department and the board and making recommendations to the board regarding land acquisitions and grants made pursuant to this chapter.

**§173A-C Land acquisition priorities.** In advising the department and the board, the commission shall give the following lands priority in its recommendations for acquisitions:

(1) Lands having exceptional value due to the presence of:

(A) Unique aesthetic resources;

(B) Unique and valuable cultural or archaeological resources; or

(C) Habitats for threatened or endangered species of flora, fauna, or aquatic resources;

(2) Lands that are in imminent danger of development;

(3) Lands that are in imminent danger of being modified, changed, or used in a manner to diminish its value;

(4) Lands providing critical habitats for threatened or endangered species that are in

imminent danger of being harmed or negatively impacted;

(5) Lands containing cultural or archaeological sites or resources that are in danger of theft or destruction; and

(6) Lands that are unique and productive agricultural lands."

SECTION 2. Section 173A-3, Hawaii Revised Statutes, is amended to read as follows:

**"[+]§173A-3[+] Resource land acquisition plan.** ~~[The]~~ In consultation with the senate president and speaker of the house of representatives, the department ~~[may]~~ shall prepare and, from time to time, revise a plan for the acquisition of land having value as a resource to the State. This plan shall guide the board in acquiring such land in the exercise of its powers under this chapter. In preparing this plan, the department may institute studies relating to the need for such land ~~[7]~~ and shall consider any plan relating to the acquisition of such land ~~[which]~~ that has been prepared by any state or county agency."

SECTION 3. Section 173A-4, Hawaii Revised Statutes, is amended to read as follows:

**"[+]§173A-4[+] Authority to acquire and convey.** (a) ~~[Subject to the approval of the governor,]~~ In consultation with the senate president and speaker of the house of representatives, the board may acquire, by purchase, gift, or the exercise of the power of eminent domain as authorized by chapter 101, any land having value as a resource to the State. Such acquisition is hereby declared to be for a public use.

(b) The board may, subject to chapter 171, in consultation with the senate president and speaker of the house of representatives, and with the approval of the governor, sell, lease, or otherwise convey any such land subject to terms and conditions ~~[which]~~ that it deems appropriate and ~~[which]~~ that will ~~[insure]~~ ensure that the transferee ~~[will]~~ shall not use the land in a manner ~~[which]~~ that is inconsistent with the purposes for which it was acquired by the board. ~~[Such]~~ The terms and conditions shall run with the land and shall be binding on the transferee's heirs, successors, and assigns. The board may seek enforcement of ~~[such]~~ the terms and conditions in any court of appropriate jurisdiction."

SECTION 4. Section 173A-5, Hawaii Revised Statutes, is amended by amending subsection (h) to read as follows:

"(h) Based on applications from state agencies, counties, and nonprofit land conservation organizations, the department, in consultation with the senate president and speaker of the house of representatives, shall recommend to the board specific parcels of land to be acquired, restricted with conservation easements, or preserved in similar fashion. The board shall review the selections and approve or reject the selections according to the availability of moneys in the fund. To be eligible for grants from the fund, state and county agencies and nonprofit land conservation organizations shall submit applications to the department that contain:

- (1) Contact information for the project;
- (2) A description of the project;
- (3) The request for funding;
- (4) Cost estimates for acquisition of the interest in the land;
- (5) Location and characteristics of the land; and
- (6) Other similar, related, or relevant information as may be determined by the department."

SECTION 5. Section 173A-9, Hawaii Revised Statutes, is amended to read as follows:

**"§173A-9 Grants to state agencies, counties, and nonprofit land conservation organizations.** ~~[Subject]~~ After consultation with the senate president and speaker of the house of representatives, and subject to the approval of the governor, the board may make grants to state agencies, counties, and nonprofit land conservation organizations from available funds for the purchase or acquisition of interests or rights in land having value as a resource to the State, whether in fee title or through the purchase of permanent conservation easements under chapter 198, and approved for purchase or acquisition by the board. Any land so acquired by any state agency or county may be sold, leased, or otherwise disposed of, subject to chapter 171, with the prior written approval of the board. Any land acquired



by any nonprofit land conservation organization under this chapter may be sold, leased, or otherwise disposed of with the prior written approval of the board. Any permanent conservation easement established under this section that includes partnership with a federal land conservation program may be transferred only as provided by rules of the federal program."

SECTION 6. There is appropriated out of the land conservation fund of the State of Hawaii the sum of \$1,100,000 or so much thereof as may be necessary for fiscal year 2006-2007 for the purchase of agriculture easements to protect farm and ranch lands throughout the state. This appropriation shall use and preserve federal farm and ranch land protection program funding for agricultural and cultural lands in Hawaii.

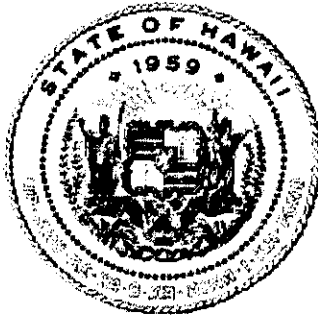
The sum appropriated shall be expended by the department of land and natural resources for the purpose of this Act.

SECTION 7. In codifying the new sections added by section 1 of this Act, the revisor of statutes shall substitute appropriate section numbers for the letters used in designating the new sections in this Act.

SECTION 8. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 9. This Act shall take effect on July 1, 2006.

ANNUAL REPORT TO THE TWENTY- THIRD LEGISLATURE  
REGULAR SESSION OF 2006  
RELATING TO LAND CONSERVATION FUND



Prepared by

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES

In response to Section 173A-5, Hawaii Revised Statutes

Honolulu, Hawaii

November 2005

ANNUAL REPORT TO THE TWENTY- THIRD LEGISLATURE  
REGULAR SESSION OF 2006  
LAND CONSERVATION FUND

FISCAL YEAR 2006 (Year-to-Date)

**PURPOSE**

Act 156, Session Laws of Hawaii (SLH) 2005, amended Section 173A-5, Hawaii Revised Statutes (HRS) by authorizing the transfer of 10% of all taxes imposed and collected under Section 247-1, HRS, to be used to acquire lands having value as a resource to the State. The Act went further by requiring the Board of Land and Natural Resources (BLNR) to prepare an annual report to be transmitted to the Governor and the Legislature at least twenty days prior to the convening of each regular session of the Legislature. The annual report shall include:

- A. A summary of all interest or rights in land acquired during the preceding fiscal year;
- B. A summary of what value each newly acquired land has as a resource to the State;
- C. Proposals for future land acquisitions, including a summary of the resource value that the land may possess;
- D. A financial report for the preceding fiscal year; and
- E. Objectives and budget projections for the following fiscal year.

These topics are summarized in the following sections.

**INTEREST OR RIGHTS IN LAND ACQUIRED DURING THE PRECEDING FISCAL YEAR**

Whereas Act 156, SLH 2005 went into effect on July 1, 2005, no interest or rights in land were acquired in Fiscal Year (FY) 2005 using the Land Conservation Fund (LCF)

**VALUE THAT EACH NEWLY ACQUIRED LAND HAS AS A RESOURCE TO THE STATE**

Whereas Act 156, SLH 2005 went into effect on July 1, 2005, no interest or rights in land were acquired in FY 2005 using the LCF.

**PROPOSALS FOR FUTURE LAND ACQUISITIONS, INCLUDING A SUMMARY OF THE RESOURCE VALUE TO THE STATE**

As of October 31, 2005, an application form has not been submitted to the BLNR for approval or made available to the public for submission. Accordingly, no applications requesting funds have been submitted to the Department for consideration. The status of the grant application is discussed in a subsequent section.

Nonetheless, pursuant to Act 156, SLH 2005, there is appropriated out of the LCF the sum of \$1,100,0000, or so much thereof as may be necessary for FY 2005-2006 for the purchase of agriculture easements to protect farm and ranch lands throughout the State. This appropriation will use and preserve federal farm and ranch land protection program funding for agricultural and cultural lands in Hawaii.

#### **FINANCIAL REPORT FOR THE PRECEDING FISCAL YEAR**

Whereas Act 156, SLH 2005, went into effect on July 1, 2005, no financial activity pursuant to the LCF occurred during FY 2005.

Furthermore, although Section 10 of Act 156, SLH 2005, states that the Director of Finance shall transfer to the credit of the LCF all unexpended or unencumbered balances remaining in the Fund For the Environment as of July 1, 2005, the Department of Land and Natural Resources' Administrative Services Offices (ASO) reports that there was no unexpended or unencumbered balances remaining to be transferred.

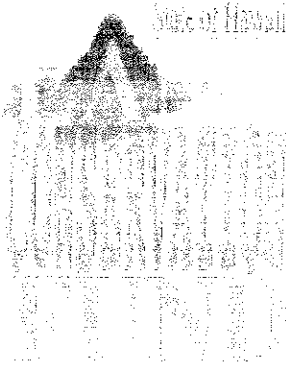
#### **OBJECTIVES AND BUDGET PROJECTIONS FOR THE FOLLOWING FISCAL YEAR**

Staff has been working on development of a grant application form pursuant to Section 173A-5, HRS, as amended. Accordingly, meetings with appropriate government agencies and interested nonprofit organizations have been held allowing for initial comments on a proposed draft grant application. Based on these meetings, a grant application form will be presented to the BLNR and recommended for approval prior to December 31, 2005. Subject to BLNR approval, the application form will be made available to the public.

Based on testimony provided last legislative session, revenues for the LCF are projected to be \$3,500,000 for FY 2006.

As of October 31, 2005, the LCF has been appropriated \$1,100,000 (Appropriation Warrant No. 63). Moreover, based on reported conveyance taxes collected during July 2005, \$206,139.16 has been credited to the LCF pursuant to Section 247-7, HRS, as amended.

Based on the foregoing, although ASO reports a cash balance of \$206,139.16, a budgeted amount of \$1,306,139.16 remains available for acquisitions in the LCF as of October 31, 2005.



**REQUEST FOR  
LAND  
CONSERVATION  
FUNDING (Act 156)**

**For agency use**

Date of Received: \_\_\_\_/\_\_\_\_/\_\_\_\_  
Application No.: \_\_\_\_  
Application Status: \_\_\_\_  
Total Request: \$ \_\_\_\_  
Reply Date: \_\_\_\_

**FY 2006-2007 GRANT APPLICATION FORM**

**Forms and Required Preliminary Documentation due on or by  
Friday, July 15, 2006.**

Department of Land and Natural Resources

Land Conservation Funds

1151 Punchbowl Street, Room 325

Tel: (808) 587-0054

Honolulu, Hawaii 96813

[www.hawaii.gov/dlnr/lcf](http://www.hawaii.gov/dlnr/lcf)

**SECTION A. APPLICANT INFORMATION**

Agency or Organization Name	
Mailing Address (PO Box or Street, City, State, Zip)	
Contact Person and Title	
Phone Numbers (best contact, work, cellular)	
Email	
Does agency/organization have a project website? Please include URL:	

**SECTION B. PROPERTY OWNER INFORMATION**

Current Owner Name	
Mailing Address (PO Box or Street, City, State, Zip)	
Authorized Agent and Title	
Phone Numbers (best contact, work, cellular)	
Email	

### SECTION C. TYPE OF ACQUISITION

1. We are requesting funding for the acquisition of:

Fee simple interest in private land	
Permanent conservation easement (Ch 198, HRS)	
Agricultural easements pursuant to Section 9, Act 156, 2005	
Other interest (describe):	

2. We intend for the property interest to be held by:

State of Hawaii, by its Board of Land and Natural Resources	
County of:	
Other (indicate entity):	

3. We propose that the property be acquired for the following preservation purpose(s)  
(check all that apply):

Watershed protection		Parks	
Coastal areas, beaches and ocean access		Natural areas	
Habitat protection		Agricultural production	
Cultural and historical sites		Open spaces and scenic resources	
Recreational and public hunting areas			

4. Acquisition of property title/rights will be carried out by:

The State (specify agency):	
County (specify department / division):	
A non-profit land conservation organization (provide name):	

## SECTION D. DESCRIPTION OF LAND (SUMMARY)

1. Location of property (please be as specific as possible; for example, "Moloaa, makai, located on the northshore of Kauai"):

--

2. Tax Map Keys (for example, "(4) 5-6-007:008"):

--

3. Size of property (indicate acreage or square footage):

--

4. If the property is being / has been subdivided, please provide subdivision approval number (please indicate whether pending or final):

--

5. What types of access easement(s) are located on the property? (for example, vehicular, pedestrian for beach access, utility, etc.):

--

6. Will the public have access to property or easement? ☐ Yes ☐ No

7. Please provide the following land use information:

State Land Use Designation	
County Zoning	
County General /Community Plan Designation	
Flood Zone Designation	

8. Is property located in a Special Management Area? ☐ Yes ☐ No

9. What types of structures, if any, are on the property? (for example, house, storage sheds, etc.):

--

10. If there are historic structures or sites on the property, please indicate all types.

Cultural sites, such as heiau, lo'i, burial caves, dunes, or remnant walls:	
Registered historic buildings or structures:	
Other type:	

11. Briefly describe the flora and fauna are found on the property (such as species of endemic and indigenous; Polynesian introduced; invasive; etc.):

--

12. What types of natural resources (such as streams, estuaries, dunes, or caves) exist on the property?

--

13. Briefly describe the slope and soil type of the property.

--

14. What types of surveys, if any, have been conducted regarding the property? (for example, Environmental Assessment (EA), archaeological survey, etc.):

--

15. What kinds of land uses/activities surround the property? (for example urban/residential; fallow agricultural lands; native forest; coastal preserves; commercial activities, etc.):

--



16. If there are suspected or potential hazards associated on/related to this property, please check all the following that apply:

There are no known hazards.	
The property is a designated brownfield.	
There has been illegal dumping /hazardous materials.	
The property is prone to flooding or is a natural drainage basin.	
The property is prone to falling rocks or mudslides.	
The property lays fallow/overgrown and ground is not level (rocky)	
Other suspected or potential hazards:	

## SECTION E. FUNDING REQUEST

1. What is the total amount being requested from the Land Conservation Fund?

\$

2. What is the total estimated value of the property?

\$

3. How was the estimated value determined?

Appraisal Report (please indicate date of report)	
Current County Tax Assessed Value	
Other:	

4. Has the property been listed for sale within the past two years?

☐ Yes

☐ No

5. If property has been listed for sale, what price is listed?

\$

6. What is the total estimated cost for acquisition? (Please use the table provided below):

Estimated Acquisition Cost Worksheet				
Expense Item	Estimated Cost	% of Costs to be Paid by:		
		Land Owner	Applicant	Other
Appraisal report				
Title report				
Property survey				
Subdivision				
Environmental investigation				
Other:				
Other:				
Other:				
Other:				
Total Estimated Acquisition Costs	\$			
Estimated Value of Property	\$			
<b>TOTAL ANTICIPATED COST OF ACQUISITION</b>	<b>\$</b>			

7. How much matching funds are anticipated ? (Please use table below):

Estimated Matching Funds Worksheet			
Type	\$ Amount	Source of Funds or Basis of Valuation	Status (Secured/Pending/etc.)
Private funds	\$		
Public/other funds			
Land value donation			
In-kind contributions			
<b>TOTAL MATCHING FUNDS</b>	\$		
<b>REQUESTED FUNDING FROM LAND CONSERVATION FUND</b>			
<b>TOTAL FUNDING</b>			

8. What is the estimated timeframe for acquisition (note that if funding is granted funding, if not utilized, will expire two-years from date of award agreement):

## **SECTION F. PROJECT DESCRIPTION**

Please type your answers on a separate sheet and attach it to the application form (no more than five pages total). Make sure to number your answers so they correlate with the numbered questions below.

1. Briefly describe the significance/importance of the property and/or easement.
2. Identify any conditions that threaten the significance/importance of the subject site.  
This may include how the property or easement relates to neighboring lands (whether project will expand upon an existing conservation area, or provide open space in developed area, etc).
3. Briefly describe the proposed use of the acquired property or easement including any short and long term goals, resource management plan, the source of operation and maintenance funding and who (if not the applicant) will manage the property/easement.
4. Will the proposed use comply with current State Land Use and County Zoning designations? If not, please explain.
5. Describe permits approvals (including any Conservation District Use Application) that are required for use of property. Indicate permits/approvals already obtained or the status of any pending permits/approvals.
6. Has the landowner raised any objections to the proposed acquisition? If so, what are those objections?

**SECTION G. CERTIFICATION**

*I/We hereby certify that the statements and information contained in this Land Conservation Fund Grant Application, including all attachments, are true and accurate to the best of my/our knowledge and understand that if any statements are shown to be false or misrepresented, this application may be rejected.*

(1) \_\_\_\_\_  
Printed Name Title

(An authorized person must sign here, such as the applicant's executive director, county commission chairperson, or state agency director.)

\_\_\_\_\_  
Signature Date

(2) \_\_\_\_\_  
Printed Name Title

\_\_\_\_\_  
Signature Date

## VERIFICATION OF NON-PROFIT STATUS

Should your funding request be awarded additional information may be required. If additional space is need please attach separate sheets.

### 1. Please attach the following documents to this form:

- ☐ Articles of Incorporation;
- ☐ Bylaws;
- ☐ List of the non-profit agency's Board of Directors;
- ☐ IRS 501(c)(3) or (c)(1) status determination;
- ☐ Tax clearances from both the Internal Revenue Service and State of Hawaii;
- ☐ Audited financial statement or copies of annual Federal A-133 audit for the past three years. If applicant has held its current nonprofit status for less than three years, a minimum three-year capital and operating budget must also be attached along with any audited statements available; and
- ☐ Any program material that describes eligibility requirements or other requirements to receive services.

### 2. General Information

Legal name of organization	
Mailing address	
Date of incorporation	
Name of contact person and title	
Contact Phone Number(s)	
Contact Email	
Organization website address (if available)	

### 3. Organizational Status

Yes

No

☐
☐

a. Is the applicant registered to do business in Hawaii?

☐
☐

b. Has the applicant received tax-exempt status from the Internal Revenue Service (IRS)?

☐
☐

c. Does the applicant's state tax-exempt purpose authorize it to conduct the proposed acquisition project in accordance with federal, state, or county statutes, rules, and ordinances?

☐
☐

d. Does the applicant agree to comply with applicable laws and obtain licenses and permits as may be required?

☐
☐

e. Is applicant in default or otherwise not in good standing with any State department?

**4. Notarized Certification**

I/We hereby certify that the statements and information contained in this form, including all attachments, are true and accurate to the best of my/our knowledge and understand that if any statements are shown to be false or misrepresented, I/we may be disqualified from receiving funding.

\_\_\_\_\_  
Authorized Representative and Title

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Subscribed and sworn to before me this:

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

County of: \_\_\_\_\_

State of: \_\_\_\_\_

My commission expires: \_\_\_\_\_

### 3. History of Organization

Briefly describe projects your organization has been or is involved in. Please list government agencies that you have partnered with or received funding from. Indicate the lead organization/agency for project. This information will only be used to determine project standings.

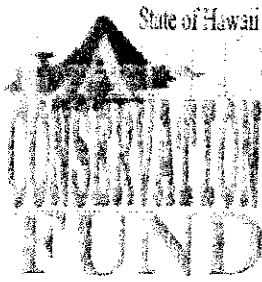
Project & Year	Agency	Partner / Rec'd Funding
A. Acquisition of mauka lands (2003). Our organization acted as brokering agent.	1. County of Maui	Partner (in-kind review of permits)
	2. NOAA Environmental Services	Received \$40,000 funding (or 20% of cost)
	3.	
B.	1.	
	2.	
	3.	
C.	1.	
	2.	
	3.	
D.	1.	
	2.	
	3.	
E.	1.	
	2.	
	3.	
F.	1.	
	2.	
	3.	
G.	1.	
	2.	
	3.	
H.	1.	
	2.	
	3.	



#### 4. Intent to Subcontract

Please list any consultants that will be contracted to perform services for this acquisition (for instance, preparation of legal documents or site surveying). Briefly state their qualifications and whether work will be provided in-kind or by payment for services. This information will help illustrate the process for acquisition that your organization is proposing.

Contractor	Task	In-Kind / Payment	Qualification
<i>Jon Doe</i>	<i>Preparation of EA</i>	<i>Payment for Service</i>	<i>Professional Planning Consultant</i>



## **LEGACY LAND CONSERVATION COMMISSION GENERAL INFORMATION**

Department of Land and Natural Resources  
Land Conservation Fund  
1151 Punchbowl Street, Room 325  
Honolulu, Hawaii 96813  
Fax: (808) 587-0054

### **I. About the Land Conservation Fund**

The Land Conservation Fund was established in July of 2005 by Section 173A-5, Hawaii Revised Statutes (HRS), under Act 156. The fund provides for the acquisition of lands, including easements having value as a resource to the state such as:

- Watersheds;
- Coastal areas, beaches and ocean access;
- Habitats;
- Cultural and historical sites;
- Recreational and public hunting areas;
- Parks;
- Natural areas;
- Agricultural production; or
- Open spaces and scenic resources.

The Land Conservation Fund Grant is intended for state agencies, counties, and non-profit organizations seeking funding to acquire property having resource value to Hawaii.

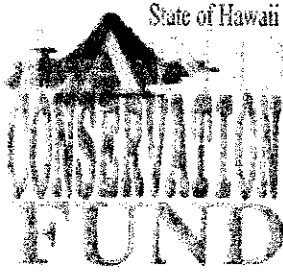
### **II. The Legacy Land Conservation Commission**

The Legacy Land Conservation Commission (HRS §173A-A) will consist of nine (9) members, with at least one member from each of the counties.

The Commission shall be responsible for evaluating grant applications and recommending funding awards to the Department of Land and Natural Resources (DLNR) and Board of Land and Natural Resources (BLNR). Final awards are subject to Governor approval.

The Commission shall also review and adopt rules relating to the Land Conservation Fund evaluation criteria.

The Land Conservation Fund will be distributed two (2) times per year. The Commission will meet approximately six (6) times in order to evaluate and recommend projects; and to review and adopt changes to the evaluation criteria and Fund process.



## LEGACY LAND CONSERVATION COMMISSION APPLICATION FORM

Please fill out and return the application form and required attachments postmarked or hand delivered by \_\_\_\_ to;

Department of Land and Natural Resources  
Land Conservation Fund  
1151 Punchbowl Street, Room 325  
Honolulu, Hawaii 96813  
Tel: (808) 587-0054

Please note that all applications and any subsequent information provided by applicants shall be of public record (except as may be excluded pursuant to HRS, Chapter 92F).

### I. APPLICANT INFORMATION

Name	
Address	
Contact phone numbers	
Email	
Type of work you do	
Employer	
Employer Contact Number	

### II. QUALIFICATION

If you possess the following qualification, kindly indicate type (such as name of degree, organization, or other) in the right-hand space:

Wildlife or marine biology	
Botany	
Forestry	
Ecology	
Resource management	
Biogeography	
Zoology	
Geology	
Membership in an environmental organization in Hawaii	
Membership in a land conservation organization in Hawaii	
Membership in a statewide agricultural association	
Knowledge of native Hawaiian culture	

## II. ORGANIZATIONAL AFFILIATION

Please list all organizations (public/private) that you are a member of. Indicate whether you hold a board or office position in any of these organizations. If more space is needed, please attach a separate sheet.

## IV. REFERENCES

Please list three references below:

Name	Occupation and Title	Phone No.	Email	How do you know this person?

**V. STATEMENT OF INTEREST AND INTENT**

Please attach a one-page narrative telling us about your interest in becoming a committee member. What are your perspectives regarding land conservation in Hawaii? What are you most interested in or concerned about? What kinds of experiences or knowledge will you bring to the table, in order to assist the committee to effectively evaluate project applications?

**VI. RESUME**

Please attach a current resume of no more than two (2) pages.

**VII. CERTIFICATION**

*I hereby certify that the statements and information contained in this application, including all attachments, are true and accurate to the best of my knowledge and understand that if any statements are shown to be false or misrepresented, this application may be rejected.*

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title (if applicable)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



## GRANT APPLICATION EVALUATION FORM

Advisory Committee Member Name: \_\_\_\_\_

Date of evaluation: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

I certify that I am able to fairly review this application: \_\_\_\_\_ (initial)

Send completed evaluation forms via mail, email, hand delivery, or fax by Friday, April 4, 2006 to:

Department of Land and Natural Resources  
Land Conservation Fund  
1151 Punchbowl Street, Room 325  
Honolulu, Hawaii 96813  
Fax: (808) 587-0054  
[contactperson@hawaii.gov](mailto:contactperson@hawaii.gov)

**PROPOSED ACQUISITION PROJECT FALLS UNDER THE FOLLOWING CATEGORIES:**  
Check all that apply:

<input type="checkbox"/>	watershed protection;
<input type="checkbox"/>	coastal areas, beaches, and ocean access;
<input type="checkbox"/>	habitat protection;
<input type="checkbox"/>	cultural and historical sites;
<input type="checkbox"/>	recreational and public hunting areas;
<input type="checkbox"/>	parks;

<input type="checkbox"/>	natural areas;
<input type="checkbox"/>	agricultural production, and
<input type="checkbox"/>	open spaces and scenic resources.

APPLICATION NO.	
PROJECT NAME	
ORGANIZATION / AGENCY APPLYING	

### CRITERIA FOR EVALUATING GRANT APPLICATIONS

Read through applications and evaluate projects based on the following twelve (12) criteria. Please add comments/justification to the boxes provided after each criteria section. Make sure that you use the correct rating for each criteria.

- Criteria 1: Completeness and Accuracy of Application Proposal
- Criteria 2: Consistent with the purpose of Act 156, the Land Conservation Fund
- Criteria 3: Land Use
- Criteria 4: Natural Resources
- Criteria 5: Cultural Resources
- Criteria 6: Community Resources
- Criteria 7: Agricultural Lands of Importance
- Criteria 8: Limiting Factors
- Criteria 9: Hazards Mitigation / Watershed Recharge Zone
- Criteria 10: Urgency of Acquisition or Action to Conserve Land
- Criteria 11: Feasibility of Acquisition
- Criteria 12: Acquisition and Associated Costs

**CRITERIA 1: COMPLETENESS AND ACCURACY OF APPLICATION / PROPOSAL**

Indicate your score in the boxes below: Yes = +1    No = -2    N/A, Don't Know, or not enough information = 0	
<input type="checkbox"/>	The application is complete, maps attached, and other required attachments included, per application instructions.
<input type="checkbox"/>	Information contained is correct / accurate to the best of my knowledge / expertise.
<input type="checkbox"/>	Appraisal completed and reviewed by DLNR.
<input type="checkbox"/>	The application contains a plan, framework, or other description of land management.
<input type="checkbox"/>	<b>TOTAL</b>

COMMENTS:

**CRITERIA 2: CONSISTENT WITH THE PURPOSE OF ACT 156, THE LAND CONSERVATION FUND**

Indicate your score in the boxes below: Yes = +2    No = -2    N/A or Don't Know = 0	
<input type="checkbox"/>	The proposed acquisition will meet or expand upon the purpose of Act 156.
<input type="checkbox"/>	This proposed acquisition is a significant opportunity for the State to conserve a significant natural resource, cultural area, agricultural area, or public use area.
<input type="checkbox"/>	The proposed acquisition will benefit its community and the State.
<input type="checkbox"/>	The proposed acquisition project is a potential model for other land acquisition projects.
<input type="checkbox"/>	<b>TOTAL</b>

COMMENTS:

**CRITERIA 3: LAND USE**

Indicate your score in the boxes below: Yes = +1    No = -1    N/A or Don't Know = 0	
<input type="checkbox"/>	The proposal describes land use processes (including permit processes) required to acquire property for conservation.
<input type="checkbox"/>	<b>TOTAL</b>

COMMENTS:

**CRITERIA 4: NATURAL RESOURCES CRITERIA**

Indicate your score in the boxes below: Yes = +3 No, N/A or Don't Know = 0

	The proposed acquisition will expand or link adjacent natural areas or open space.
	The proposed acquisition will protect habitats that have been significantly reduced as a result of human use (either on property or adjacent area).
	The proposed acquisition will protect, preserve or buffer scenic vistas or view corridors.
	The proposed acquisition will protect, preserve, or buffer significant geological formations such as dunes, caves, or wetlands.
	Future development of nearby properties would diminish natural and ecological value of area.
	The land is relatively undisturbed.
	The proposed acquisition will complement a pattern of conservation in the area or is part of an established plan to preserve specific parcels within a larger conservation vision or regional plan.
	<b>TOTAL</b>

**COMMENTS:**

**CRITERIA 5: CULTURAL RESOURCES CRITERIA**

Indicate your score in the boxes below: Yes = +3 No, N/A or Don't Know = 0

	The property contains historical, archaeological, or local landmark features to be protected.
	There are on-going cultural practices associated with the property, such as resources gathering or seasonal events.
	There are native flora and fauna on the property, in which cultural practices/groups are associated with.
	The proposed acquisition will preserve and protect heiau, or other sacred places, including tele, leina, landforms, ko'a, alters and platforms, ala kahakai or other trails, etc.
	The proposed acquisition will protect, preserve and enhance upon traditional production areas, such as lo'i kalo (taro lands and terraces), loko i'a (fishponds), salt pans, or quarries.
	The property will provide access opportunities for cultural practitioners and traditional gatherers, fishermen, or hunters.
	There are known or potential traditional burials on land (cave, dune, other).
	<b>TOTAL</b>

**COMMENTS:**



### CRITERIA 6: COMMUNITY RESOURCES CRITERIA

Indicate your score in the boxes below: Yes = +2 No, N/A or Don't Know = 0

The proposed acquisition will link or expand upon existing or pending public domain holdings, such as a park, hiking trail, or beach access easements.	
The proposed acquisition will enhance or expand community enjoyment of natural area and open space for recreation, education, or community or traditional cultural practices associated with the area.	
There is significant local community interest in conservation of property (i.e., through local media coverage, planning documents, letters of support, etc).	
There is significant interest statewide in conservation of land (i.e., through local media coverage, planning documents, letters of support, etc).	
The proposed acquisition will provide or expand public recreation areas close to larger population centers.	
The proposed acquisition will expand or provide a buffer to beach and coastal area for recreation.	
The proposed acquisition will provide opportunities for hunters.	
The proposed acquisition will provide recreational opportunities, such as swimming, surfing, fishing and/or hiking.	
The proposed acquisition will provide economic opportunities for the community.	
The proposed acquisition brings needed open-space access or preservation to a community that currently has few protected lands or resources in the area.	
The proposed acquisition will benefit community members statewide.	
<b>TOTAL</b>	

COMMENTS:

### CRITERIA 7: AGRICULTURAL LANDS OF IMPORTANCE

Indicate your score in the boxes below: Yes = +3 No, N/A or Don't Know = 0

The proposed acquisition will permit existing agricultural practices to continue on land that would otherwise succumb to development pressures	
The proposed acquisition will permit new agricultural uses on land that would otherwise succumb to more intense development uses	
The proposed acquisition will provide significant economic opportunities for community/state.	
The proposed acquisition will protect or enhance upon lands traditional used for agricultural production, such as lo'i kalo (taro lands and terraces) or loko i'a (fishponds)	
<b>TOTAL</b>	

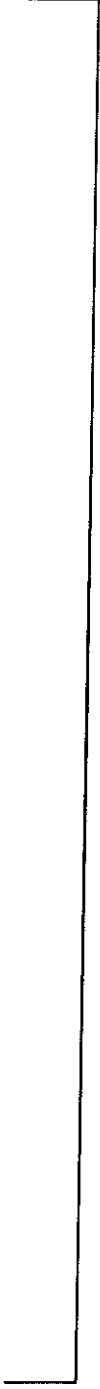
COMMENTS:

### CRITERIA 8: LIMITING FACTORS

Indicate your score in the boxes below: Yes = -2 No, N/A or Don't Know = 0

There are hazardous materials, contaminants, or refuse on the property that will require containment, control, or disposal.	
The property is steep, uneven, eroding, or otherwise not safe for general public enjoyment.	
It is not clear, based on proposal, who will maintain the property.	
The land owner does not support acquisition of property for conservation.	
It is not clear, based on proposal, which entity(ies) will be responsible for liability.	
There are jurisdictional or operational issues relating to ownership, access, or liability	
<b>TOTAL</b>	

COMMENTS:



Indicate your						
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Indicate your					
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	TOTAL
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**CRITERIA 11: FEASIBILITY OF ACQUISITION AND IMPLEMENTATION BASED ON PROPOSAL**

Indicate your score in the boxes below: Yes = +3 No = -1 N/A or Don't Know = 0

	Land is available for purchase.
	The proposed acquisition has the required proportional matching funds or is under application for proportional matching funds.
	The proposed acquisition project is at a state of readiness, indicated by a signed agreement to sell with the current landowner or letter indicating willingness.
	The intended end owner of the property, if other than the state, has provided a letter of support for the project and intent to own.
	The proposed acquisition can be completed in less than two years.
	The proposed acquisition timeframe (acquisition process) is reasonable.
	Maintenance and liability (management) responsibilities for the property are described and reasonable.
	<b>TOTAL</b>

COMMENTS:

**CRITERIA 12: ACQUISITION AND ASSOCIATED COSTS**

Indicate your score in the boxes below: Yes = +3 No = -2 N/A or Don't Know = 0

	The proposed (estimated) costs are reasonable.
	The costs do not exceed the funding capabilities of the Land Conservation Fund Program to the best of my knowledge/expertise.
	The proposed acquisition project has (or is pending application for) funds above the 25% required match. For this question if the answer is no, the score is "0."
	<b>TOTAL</b>

COMMENTS:

# **SCORE SUMMARY**

CRITERIA		SCORE	COMMENTS (such as additional documents that would assist evaluation or verify statements)
1	COMPLETENESS AND ACCURACY		
2	MEETS OR EXPANDS THE PURPOSE OF ACT 156, THE LAND CONSERVATION FUND		
3	LAND USE		
4	NATURAL RESOURCES CRITERIA		
5	CULTURAL RESOURCES CRITERIA		
6	COMMUNITY RESOURCES CRITERIA		
7	LIMITING FACTORS		
8	HAZARDS MITIGATION / WATERSHED RECHARGE ZONE CRITERIA		
	URGENCY OF ACTION		
9	FEASIBILITY OF ACQUISITION AND IMPLEMENTATION BASED ON PROPOSAL		
10	ACQUISITION AND ASSOCIATED COSTS		
TOTAL SCORE FOR ALL CRITERIA			

# Land Conservation Fund Program Development

2006 Time Table - DRAFT 1

All dates tentative, suggested changes welcomed.

MONTH	DAY	TASK / EVENT
May	8-10	Core group meets to review draft 2 of materials. Discuss schedule for BLNR review. Make changes to documents.
	26	Possible date for BLNR review of draft materials.
		Initial LCF informational materials (brochure, etc.) are distributed website, mail, and email.
June		LCF Commission members are appointed. Meeting date set, if possible.
	15	Official grant announcement.
		Commission orientation meeting, if possible.
July		Partner workshop regarding grants are conducted (each island? By county?)
	15	8th Generation contract expire; agree upon date for final deliverables.
	17	Grant applications due; prepare review packets for Commission.
	27	Send 3-4 applications to each Commission member; each application should be reviewed by at least 3 members.
August	4	Application evaluations due.
	10-11	Commission meeting to discuss evaluations and nominate projects.
	18	Grant award nominees notified, additional information requested. All grant applicants notified of status.
September		Nominees work on completing their application requirements.
October	16-17	Commission meeting to evaluate applications; award recommendations forwarded to the BLNR for final approval.
November	16-17	BLNR / Governor final grant award announcements. Prepare report to legislature.
	general	Awards distributed pending receipt of all required documents, including MOA or other agreement between the state and applicants whose projects are awarded.

## Award Schedule

June	Land Conservation Fund Grant Announcement
July	Applications due
August	Project Nominees selected
October	Completed application packet due
November	Projects selected
January	Applications due for next round of funding

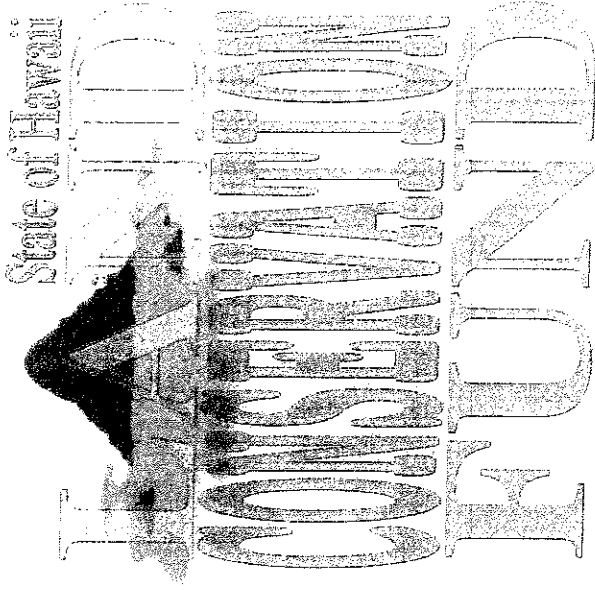
Please visit our website for the most up-to-date information:

[www.state.hawaii.gov/lcf](http://www.state.hawaii.gov/lcf)

If your agency or organization would like to receive information about the Land Conservation Fund please contact:

Department of Land & Natural Resources  
Land Conservation Fund  
1151 Punchbowl Street, Room 325  
Honolulu, Hawaii 96813

Tel: (808) 587-0054



Department of  
Land & Natural Resources  
Land Conservation Fund  
[www.state.hawaii.gov/lcf](http://www.state.hawaii.gov/lcf)

# Land Conservation Fund

(Act 156), approved by the Hawaii State Legislature in July 2005 provides a significant source of funding for the conservation of Hawaii's unique and fragile places and resources such as:

- ✓ Watersheds;
- ✓ Coastal areas, beaches, and ocean access;
- ✓ Habitat protection;
- ✓ Cultural and historic sites;
- ✓ Recreational and public hunting areas;
- ✓ Parks;
- ✓ Natural areas
- ✓ Agricultural production; and
- ✓ Open spaces and scenic resources.



*Conservation of natural areas, habitats, and agricultural lands*

## Who May Apply for Funding?

State and county agencies and non-profit land conservation organizations who are seeking funding to acquire property having natural resource value to the people of Hawaii.



*Watershed conservation*



*Preservation of fragile coastal ecosystems*



*Perpetuation of historic and cultural resources*

## Award Process

Grants will be awarded based on the process below. Project proponents must be able to provide at least 25% of the total project cost in cash or by in-kind services. Projects could include acquisition of fee title or easements.

1. Project applications will be reviewed by the Land Conservation Fund Advisory Commission.
2. The Commission will nominate projects for funding. Project applicants will be asked to submit additional information, such as recent land appraisals or status of matching funds, in order to complete their application packet.
3. The Commission will recommend project awards to the BLNR. Final awards are subject to the Governor's approval.



